

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 4:08-CR-20512

Plaintiff,

HON. SEAN F. COX

United States District Judge

v.

LOUIS JOHN COKER,

Defendant.

STIPULATION TO DELAY TRIAL AS A RESULT OF PRETRIAL MOTION

The United States of America, by its attorneys, Terrence Berg, United States Attorney, and Craig F. Wininger, Assistant United States Attorney, and defendant Louis John Coker, by his attorney, David A. Koelzer, STIPULATE AND AGREE:

1. That the processing and resolution of defendant's Motion for Determination of Career Offender Status will interfere with preparation for trial, that the trial of this case should therefore be adjourned, and that a new trial date should be set by the Court after the motion has been decided by the Court. In particular, delay will result from the fact that legal and factual issues raised by the motion will cause counsel to spend considerable time and effort litigating the motions rather than preparing for trial. Additionally, pretrial negotiations are impossible until the question of defendant's status as a career offender is resolved; and

2. That the resulting period of delay, beginning on the date the motion was filed and continuing through the date on which the motion is taken under advisement by the court, as well as an additional period of time (not to exceed 30 days) during which the motion is under advisement by the court, is delay resulting from the motion and should therefore be excluded from the computation of time under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(1)(D) and (H).

s/ CRAIG F. WININGER

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s/ DAVID A. KOELZER (w/consent)

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Dated: December 7, 2009

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_____ /

ORDER DELAYING TRIAL AS A RESULT OF PRETRIAL MOTION

This matter having come before the Court on the parties' stipulation that the need for the Court to resolve defendant's Motion for Determination of Career Offender Status necessitates a delay of the trial of this case, and the Court having reviewed the stipulation and the motion and being otherwise fully advised,

The Court hereby finds that delay results from the fact that the legal and factual issues raised by the motion will cause counsel to spend considerable time and effort litigating the motions rather than preparing for trial. Additionally, pretrial negotiations are impossible until the question of defendant's status as a career offender is resolved.

Therefore, IT IS ORDERED, that the trial of this case be delayed pending resolution of the motion and that the period of time from the date of filing of defendant's

Motion and continuing through the date on which the motion is taken under advisement by the court, as well as an additional period of time (not to exceed 30 days) during which the motion is under advisement by the court, shall be excluded in computing the time within which the trial of this case must commence under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(1)(D) and (H).

s/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: December 8, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 8, 2009, by electronic and/or ordinary mail.

s/Jennifer Hernandez
Case Manager